

January 16, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1D-1 (2014)
COMMISSIONER OF PARKS, RECREATION & FORESTRY: “Response Letter to Comptroller Audit of Department of Parks, Recreation & Forestry Cash Handling & Collection for the Period 1/1/2013 – 6/30/2013”
(6-0)
 - b. COMM. 1M-1 (2014)
NYSDEC: “Fact Sheet: 1050-1088 Niagara Street: Documents Available for Comment”
(6-0)

2. COMM. 20E-13 (2013)
COUNTY EXECUTIVE **AS AMENDED**
WHEREAS, in 2004 the County Legislature adopted a plan of service or improvement the Erie County Sewer Agency (the “2004 Plan”) for Sewer District No.1 (the “District”) that recommended the expenditure of \$4,000,000 to rehabilitate sanitary sewers and infiltration and inflow projects within the District (collectively, the “2004 Project”); and

WHEREAS, many of the components of the 2004 Project have been completed; and

WHEREAS, the Erie County Sewer Agency and the Erie County Department of Environment and Planning caused a report entitled *Erie County Sewer Agency Report - Erie County Sewer District No. 1 For A Modifications of Plans (2013)* (the “Report”) to be prepared, which Report recommends the modification of the 2004 Plan and the approval of certain additional improvements within the District, including but not limited to improvements of sanitary sewer lines, pumping stations and/or treatment facilities and related necessary appurtenances (the “Modification of Plans”); and

WHEREAS, on October 4, 2013, the Board of Managers of Erie County Sewer District No. 1 accepted and adopted the Report and recommended that the Report be submitted to the County Legislature for consideration and action; and

WHEREAS, the Report serves as the written report required by § 253-b of Article 5A of the County Law of the State of New York; and

WHEREAS, the Modification of Plans will not result in an increase in the cost of the 2004 Project; and

WHEREAS, an application to the New York State Audit and Control for approval is not required as the Modification Plans constitutes a modification to plans pursuant to Article 5A, § 253-b of the County Law of the State of New York; and

WHEREAS, prior to the publication of the notice of public hearing, the Report will be filed in the Office of the County Clerk of Erie County;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County Legislature of County of Erie, New York shall meet at the *[Erie County Hall, 92 Franklin Street, 4th Floor in Buffalo, New York, on the 19th day of February, 2013 at 1:30 o'clock p.m.]*, for the purpose of conducting a Public Hearing on the proposed Modification of Plans specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the *Challenger Newspaper and the Amherst Bee*, the official newspapers of the County and the West Seneca Bee for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.
(6-0)

3. COMM. 24E-8 (2013)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 11E-7 (2009) Contract 79-D was awarded to O’Connell Electric Co., Inc. for electrical work for the Lake Street and Point Breeze Pumping Stations; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 79-D in the final contract amount of \$488,126.19 which includes Change Order No. 2 (final), a decrease of (\$3,765.58), and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 79-D between the County of Erie and O'Connell Electric Co., Inc., (830 Phillips Road, Victor, New York 14264) is accepted in the final contract amount of \$488,126.19 which includes Change Order No. 2 (final), a decrease of (\$3,765.58), and is allocated in Erie County Sewer District No. 2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 79-D to O'Connell Electric Co., Inc., for a total contract amount of \$488,126.19; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

4. COMM. 24E-9 (2013)

COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County; and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County; and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 50,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Erie County HHW Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application for State assistance for the Household Hazardous Waste Program in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is directed and authorized enter into agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the County HHW Program if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees that it will fund the cost of said HHW Program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; Maria Whyte, Commissioner of Environment and Planning; Thomas Hersey, Deputy Commissioner of Environment and Planning; Paul Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.
(6-0)

**TED B. MORTON
CHAIR**